IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

WP(C).No. 29015 of 2007(D)

OS.228/2001 of II ADDL.M.C.,NEYYATTINKARA
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PETITIONER:

K.P.LATHAKUMARI AMMA, SARASWATHY VILASOM BUNGLOW, MARUTHOOR DESOM, NEYYATTINKARA VILLAGE.

BY ADV. SRI.G.SUDHEER

RESPONDENT:

PRABHAVATHY AMMA, D/O.BHARATHI PILLAI, MELETHIL VEEDU, MANALOOR DESOM, NEYYATTINKARA VILLAGE.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 29015 OF 2007

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Dated this the 1st day of October, 2007.

J U D G M E N T

This writ petition is filed for an expeditious disposal of Exts.P6 and P7 and to stay Ext.P8 till a decision is taken on those applications. The writ petitioner is the appellant who has preferred Ext.P8 appeal. Along with the appeal he has filed an application to condone the delay of 22 days and also moved a petition for stay of the execution of the decree. It is averred that those applications are not disposed of since an execution petition is pending, and if the delay is condoned and stay is granted belatedly it may affect the substantial right of the party. Therefore, I direct the Subordinate Judge, Neyyattinkara to consider Exts.P6 and P7 applications at the earliest and pass appropriate orders after hearing all concerned. Till a final decision is taken on Exts.P6 and P7, I direct the executing Court not to proceed with Ext.P8 application.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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